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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,390	02/23/2004	Billy Ke	DEE-PT153	8429

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PHILADELPHIA, PA 19103

EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,390

Applicant(s)

KE, BILLY

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,10-13,15,16 and 19 is/are rejected.
- 7) ☒ Claim(s) 3,6,8,9 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the first office action for application number 10/784,390, Extending Base for Portable Computer, filed on February 23, 2004.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "224" in Fig. 7. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plural serial ports, cited in claim 14, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a hook structure, cited in claim 12 is not cited in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In regards to claim 2, the specification does not teach how the latch protrudes out of the detachable cover for accepting the external force, the specification and drawings (Fig. 6) teach and show that the latch protrudes from the bottom of the base; and in regards to claim 11, the specification nor drawings teach how the two guiding elements (222) and the guiding block (223) are changeable on the detachable cover.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 11, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is an inconsistency in claims 10 and 15 between the language in the preamble claim 1 and certain portions of the claims, thereby making the scope of the claims unclear. The preamble in claim 1 clearly indicates that a subcombination is being claimed, e.g., "an extending base for a portable computer...." This language would lead the examiner to believe that the applicant intends to claim only the subcombination of "an extending base," the portable computer being only functionally recited. This presents no problem as long as the body of the claim also refers to the portable computer functionally.

The problem arises when the portable computer is positively recited within the body of the claim, such as, in claim 10, "wherein the portable computer is guided to the fixed position," and in claim 15, "wherein the portable computer is one of a laptop and a tablet PC." There is an inconsistency within the claims; the preamble indicates subcombination, while claims 10 and 15 positively recite structure indicating that the combination of an extending base and a portable computer are being claimed. The examiner cannot be sure if applicant's intent is to claim merely the extending base or the extending base in combination with the portable computer.

Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the extending base alone or the combination of the extending base and the portable computer. Applicant should make the language of the claim consistent with

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applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly. If applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the subcombination, then the body of the claims must be amended to remove positive recitation of the combination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 13, 15, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,264,484 to Chien et al., hereinafter, Chien. Chien discloses an extending base (2) for a portable computer, comprising: a base body; an electrical connector (26) fixedly mounted on the base body for being electrically connected with the portable computer; a detachable cover (3) covering the base body for supporting the portable computer, wherein the electrical connector is protrudent out of the detachable cover; a plurality of first engaging elements (30) mounted on the detachable cover; a sliding structure (20) mounted on the base body for sliding along a direction in response to an external force; a plurality of second engaging elements (24) mounted on the sliding structure for engaging with the first engaging elements so as to

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fix the detachable cover on the base body; a latch (40) connected with the sliding structure and protrudent out of the detachable cover for accepting the external force; an ejecting element (25) mounted on the base body and protrudent out of the detachable cover; wherein the sliding structure and the plurality of second engaging elements are formed integrally; wherein the second engaging element is a hook structure; wherein the portable computer is one of a laptop and a tablet PC (Col. 2, line 44ff); and wherein the extending base is one of a docking station and a port replicator.

Claims 1, 4, 5, 12, 15, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,061,234 to Broder et al., hereinafter, Broder. Broder discloses an extending base (26) for a portable computer (30), comprising: a base body (28); an electrical connector (see Fig. 2) fixedly mounted on the base body for being electrically connected with the portable computer; a detachable cover (56) covering the base body for supporting the portable computer, wherein the electrical connector is protrudent out of the detachable cover; a plurality of first engaging elements (64a-64d) mounted on the detachable cover; a sliding structure (48) mounted on the base body for sliding along a direction in response to an external force; a plurality of second engaging elements (32a-32d) mounted on the sliding structure for engaging with the first engaging elements so as to fix the detachable cover to the base body; an ejecting element (58) mounted on the base body and protrudent out of the cover; wherein the ejecting element is connected with an elastic structure (see Fig. 5); wherein the first engaging element is a hook structure; wherein the portable computer is one of a laptop

and a tablet PC; and wherein the extending base is one of a docking station and a port replicator.

Allowable Subject Matter

Claims 3, 6, 8, 9, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 11 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 17 and 18 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,123,557 to Wang et al.

U.S. Patent 6,191,943 to Tracy

U.S. Patent 6,362,959 to Tracy

U.S. Patent 6,760,217 to Tsai

U.S. Patent 6,813,145 to DeLuga


The above patents all disclose various types of docking stations for portable computers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

January 27, 2005